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HOAX WORKED IN DIVORCE CASE

—Lord Merrivale

Brenda Paul May Go Abroad

COURT REMOVES RESIDENTIAL RESTRICTION

The case of Miss Brenda Dean Paul was again mentioned at Marlborough-street Police Court yesterday.

Mr. Mead, the magistrate, granted an application for the release of Miss Paul from the conditions of an order made by him in December 1931, that for three years she must reside where the court directed.

Miss Dean Paul was on Wednesday set at liberty at London Sessions, where she had been bound over on bail in November last year on condition that she entered a nursing home for a cure for drug addiction.

Miss Dean Paul arrived early, accompanied by her counsel, Mr. Francis Peregrine, and her solicitor, Mr. John Daybell.

Mr. Peregrine explained that on Wednesday the medical superintendent gave a certificate that she was now fit to leave the nursing home to which she had been sent, and Lord Dawson of Penn and Dr. R. Russell both said she was fit to leave.

TO STAY IN CONVENT

"The position we feel now is this," added Mr. Peregrine. "She is still theoretically under the control of this court. It seems rather a curious position that at the same time she should have been released by the other court. I suggest that you can now direct that she can live where she chooses."

Mr. Vincent Evans, on behalf of the Director of Public Prosecutions, said that he had no objection to the order.

Mr. Mead: She would not go abroad without the consent of this court? Where is she going to reside now?

Mr. Vincent Evans: I understand she is going for some time to a convent in Surrey. We raise no objection to her going abroad providing she remains of good behaviour and that the original order for three years that she should be of good behaviour holds.

Mr. Mead: I agree that the order as to her residence should be rescinded. That leaves her entirely free, subject to her being brought before me for further consideration at the suggestion of the Public Prosecutor.

TITLED "FASCISTS" ARRESTED IN SPAIN

"Daily Express" Correspondent.

MADRID, Thursday, March 23.

Several titled persons, whose names the police refuse to disclose, were cross-examined to-day. They are alleged to have given support to the growing Fascist movement in Spain.

The Government has officially condemned the Fascists as "enemies of freedom who have no right to enjoy freedom."

PAPERS GO TO PUBLIC PROSECUTOR

FRIEND'S WIFE CALLED ON TO PLAY A PART

SOLICITORS TO PAY COSTS

ALLEGATIONS that a false case had been presented for a divorce petition, that a non-existent woman had been cited as co-respondent, that an inquiry agent had committed wilful perjury, and that the solicitors engaged by the wife and the husband had been guilty of collusion, were made in the Divorce Court yesterday before the President (Lord Merrivale), when the King's Proctor intervened to show cause why the decree nisi granted to Mrs. Muriel Heaven, of Mary-street, Balsall Heath, Birmingham, should be rescinded.

Lord Merrivale rescinded the decree nisi, directed that Mrs. Heaven's solicitors and Mr. Heaven's solicitor be jointly liable for two-thirds of the costs of the present action, and that all the papers in the case be placed at the disposal of the Director of Public Prosecutions.

'WILFUL PERJURY' ALLEGED

Mrs. Heaven was granted a decree nisi by Mr. Justice Swift at Birmingham Assizes on December 9, 1931, on the ground of the alleged adultery of her husband, Mr. George Howard Heaven, of Gladstone-road, Sparkbrook, Birmingham, at a house opposite his lodgings with a woman whose name was given as Rose Hayward, of Hickman-road, Sparkbrook.

The Solicitor-General (Sir F. Boyd Merriman, K.C.), for the King's Proctor, now alleged that the decree was obtained by reason of the following material facts not having been brought to the notice of the court:—

"That, throughout the proceedings and in particular at the hearing of the petition, Mrs. Heaven, by her solicitors (Messrs. Phillip Baker and Co., of Birmingham) and Mr. John Mallett, a Birmingham inquiry agent, presented a false case, and that Mallett, in an affidavit sworn by him in October 1931, and in his evidence on the hearing of the petition, supported the case by wilful perjury:

"That the proceedings were instituted and carried on with the collusion and connivance of Mrs. Heaven's solicitors, and John Mallett, with Mr. Heaven and his solicitor, and that the evidence in support of the petition was concealed and collusive."

A denial had been filed to those allegations, said the Solicitor-General. Mr. Heaven's solicitor, Mr. Robert Evans Parr, of Birmingham, had been given leave to intervene in the hearing, and he also denied the allegations against him.

IMPERSONATION STORY

The case for the King's Proctor was that Mr. Heaven had not committed adultery with the woman cited—who was, in fact, non-existant.

The King's Proctor further alleged that Mr. Heaven got up early one morning and met Mallett, the inquiry agent, at his friend's house. The wife of a friend of Mr. Heaven was alleged to have personated Rose Hayward.

"There is not, and never has been such a person as Rose Hayward, of Hickman-road, Sparkbrook," Sir Boyd Merriman stated.

The hearing of the evidence occupied five days.

Lord Merrivale, giving judgment, said that the evidence given before Mr. Justice Swift at Birmingham Assizes in December 1931 was almost letter perfect.

"So far as I know," said Lord Merrivale, "nothing more would have been heard of the case had not Carey (a friend of Heaven), after the decree had been granted, presented himself before the judge and required to be heard.

"Asked what purpose he had he said, 'It will be something that reflects on the course of justice,' whereupon the judge properly told him that he had better write to the King's Proctor.

"That evening Carey wrote to the King's Proctor—a simple letter stating, in effect, that the case was trumped-up.

GRAVE CHARGES

"This must be said about Carey: that he took a course which, if he had been guilty of conduct which he ought not to have been guilty of, put him forthwith in the way of punishment."

It was now submitted that the house where Heaven was alleged to have committed adultery was Carey's house. It was said that Heaven never slept there, that the inquiry agent never went into the bedroom, and that the corroborative detail was all fiction. He did not see a woman in bed or see Heaven in a bedroom with a woman.

Carey said he knew Heaven was being pursued with a view to divorce proceedings against him, and he thought the best way to protect him was to plant a fictitious case upon the inquiry agent.

Mrs. Carey had said that, on that morning, her husband told her to put on a dressing-gown, and, when the inquiry agent came to the door, Heaven was downstairs, and her husband called her down.

It was clear, proceeded Lord Merrivale, that Carey had worked off a hoax. Whether he intended it to be an innocent hoax was quite another thing.

There had been grave charges of perjury, but the Public Prosecutor would consider how that matter stood.

FREE BOOK OF FAMOUS HUMOROUS DRAWINGS

That the British public has lost none of its appreciation for witty parodies is proved by the remarkably long run of the "Play Titles Bottled by Worthington," now entering their sixth year of publication.

Equally remarkable is the inexhaustible inventiveness of the artist—Mr. R. J. Bailey—who, in spite of producing nearly 100 of these witty plagiarisms, still shows every bit as much humour of drawing and ingenuity of idea.

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Lord Merrivale.

Mr. Oliver, K.C.

"RAY TO STOP AIRCRAFT"

CLAIM OF MAN SENT TO PRISON FOR FRAUD

Harry Smith, of Radio Villa, Kenwyn-road, Torquay, who was sentenced at Torquay yesterday to six months' hard labour for obtaining £1,355 by false pretences from Dr. Thomas Cook, was stated to have claimed that he had perfected, among other inventions, a machine for stopping motor-vehicles and aircraft by means of an electrical ray.

STORY OF £500,000 PAYMENT

He was also stated to have claimed that he had perfected an invention for heating wallpaper by electricity, an electrical grid scheme with stations all over the country, a scheme for electrification of railways in England, France, Germany, Holland and Italy, an electrically driven motor-car which Smith termed "the self-contained electrical car," and a machine for drilling lead needles for the cure of cancer and a camera for taking photographs in the dark.

In October last, said Superintendent Martin, Smith told Dr. Cook that a satisfactory agreement had been arrived at concerning the grid electrical scheme, and the British Government would pay £500,000, which would be divided between Cook, the business, and Smith.

Smith had also declared that he had demonstrated the machine for stopping motor-vehicles to high officials at Scotland-yard, who said it was good and would be adopted.

COASTING TRADE BETTER

The net tonnage of the arrivals and departures of all vessels in the coasting trade showed an increase of 1.8 per cent. in 1932 as compared with the previous year, says the "Board of Trade Journal."

Coal shipped coastwise between ports in Great Britain and Northern Ireland amounted to 18,000,000 tons, an increase of 500,000 tons over 1931. More than two-thirds of the total increase was in respect of shipments to London.

Assessor Who Was Found Dead

PARTNER GIVES EVIDENCE IN FIRE PLOT

REFERENCE to an assessor who had assessed losses at a fire and was found dead in a garage, was made at Bow-street Police Court yesterday at the resumed hearing of the charges against fourteen defendants in connection with fire insurance claims.

All the accused were again remanded on bail.

Judah Leon Dywein, who on Tuesday was discharged as a defendant and became a witness for the prosecution, again gave evidence.

Mr. John Brocklehurst, senior partner in C. Brocklehurst and Sons, assessors, of Manchester, also gave evidence. He said that his firm was called in to assess a fire at Art Publishers (Accrington), Limited, on March 20, 1929. The loss was assessed by Mr. Satterthwaite, a partner in his firm, who died on February 14 this year.

The claim was settled for £19,670. Riley was a director of the company.

Mr. Satterthwaite also assessed the losses at two other Manchester fires—one at Alfred Alton, Ltd., Lever-street, on July 23, 1929, and one at Acetose Silks, Ltd., York-street.

"DOUBTED REPORT"

Replying to Mr. A. E. Jalland (for Riley), Mr. Brocklehurst said that he saw nothing at the fire at Art Publishers (Accrington), Ltd., which made him doubt the accuracy of his partner's report.

Mr. Jalland: Some of us knew Mr. Satterthwaite. Was he a gentleman who drove a hard bargain for insurance companies?—I should have thought so.

Do you know what the verdict was at the inquest on him?—Accidental death.

Mr. Oliver then asked: Do you know that on February 13 Chief Inspector Yandell called upon Mr. Satterthwaite and asked him certain questions?—Yes.

Your partner made certain answers to Mr. Yandell?—Yes.

Mr. Jalland protested at the questions, but the magistrate held they were necessary in view of the cross-examination.

Mr. Oliver: Was your partner found dead on the floor of his garage, the door of which was shut, having let the engine run and been asphyxiated by the fumes?

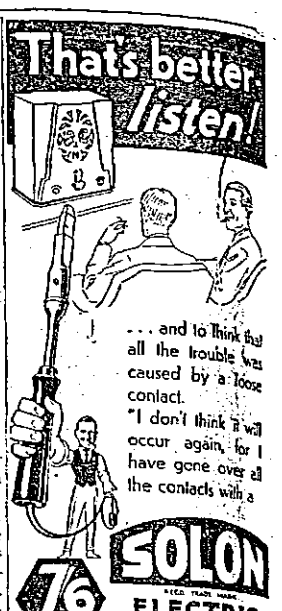
Mr. Brocklehurst: I do not know the details. He was found dead in his garage.

From asphyxiation?—Yes.

Mr. Brocklehurst mentioned that he attended the funeral of a fire assessor in Manchester about five years ago at which Harris and Gould were present.

Sir George Jones: Is that a sign of conspiracy?

Mr. R. E. Dummett (the magistrate): Speaking generally, I should say no.



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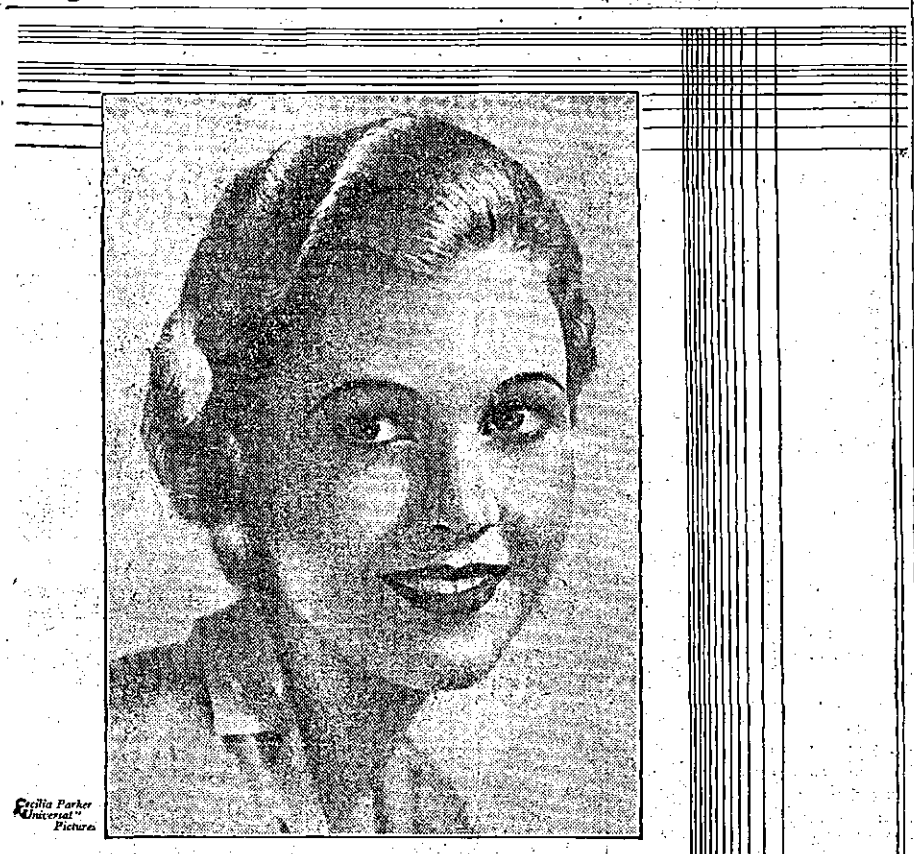

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